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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/447,024 | 11/22/1999 | LUBOMIR D. BOURDEV | 07844/3420001 | 3275 |

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Roger S Borovoy
Fish and Richardson P C
2200 Sand Hill Road Suite 100
Menlo Park, CA 94025

| EXAMINER |
|---|
| WALLACE, SCOTT A |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2672 | |

DATE MAILED: 04/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. 09/447,024 | Applicant(s) BOURDEV ET AL. | |
|---|---|---|---|
| | Examiner Scott Wallace | Art Unit 2672 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *08 February 2002* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *5* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

***Response to Arguments***

1. Applicant's arguments filed 2/08/02 have been fully considered but they are not persuasive. The examiner has thoroughly reviewed applicants arguments but firmly believes the cited references to reasonably and properly meet the claimed limitations. Applicants primary argument for claim 1 was that Schiller fails to disclose "determining a number of outlines of pieces of artwork that map to a cell of the grid". In response, examiner would like to point out column 1 lines 46-48 and column 7 lines 6-13. "Determine which parts of which regions lie within the tile" (cell of grid). This is determining the number of outlines of pieces of artwork that map to a cell of the grid.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-6, 8, and 10-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Schiller et al., U.S. Patent No. 6,049,339.

As per claim 1, Schiller et al. teaches mapping outlines of at least some of the pieces of artwork onto a grid of cells (column 6 lines 37-40), determining a number of outlines of pieces of artwork that map to a cell of the grid (column 6 lines 43-47), identifying the cell as a complex region based on the determined number of outlines that map to the cell (column 6 lines 37-59).

As per claims 2 and 3, Schiller et al. teaches a process for producing a planar map from an illustration (column 6 lines 55-57) and also teaches a planar map is the non-overlapping regions

that represent the original overlapping paths (column 1 lines 48-51). This shows an illustration flattening process comprising a process for producing a planar map and basing this planar map on the identification of the complex region (column 6 lines 53-59).

As per claim 4, Schiller et al. teaches excluding pieces of artwork classified as entirely inside the complex region (column 6 line 65 and column 7 lines 6-8).

As per claims 5 and 10, Schiller et al. teaches mapping comprises drawing the outlines using a rasterization engine function and determining comprises determining using a rasterization engine function (Fig. 6).

As per claim 6, Schiller et al. teaches identifying comprises comparing the determined number of artwork pieces that enter a cell with a threshold (Fig. 7A and column 6 lines 50-59).

As per claim 8, Schiller et al. teaches the threshold comprises a dynamically determined threshold (column 6 lines 53-54).

As per claim 11, Schiller et al. teaches classifying artwork based on the intersection of the artwork with the complex region (column 7 lines 9-22).

As per claim 12, Schiller et al. teaches classifying comprises identifying artwork completely inside a complex region (column 7 lines 9-22).

As per claim 13, Schiller et al. teaches classifying comprises identifying artwork completely outside a complex region (column 7 lines 9-22).

As per claim 14, Schiller et al. teaches classifying comprises identifying artwork partially inside a complex region (column 7 lines 9-22).

As per claim 15, Schiller et al. teaches mapping outlines of at least some of the pieces of artwork onto a grid of cells (column 6 lines 37-40), determine a number of outlines of pieces of artwork that map to a cell of the grid (column 6 lines 43-47), identify the cell as a complex region based on the determined number of outlines that map to the cell (column 6 lines 37-59), based on the identifying, excluding pieces of artwork from an illustration flattening process (column 6 line 65 and column 7 lines 6-8).

As per claim 16, Schiller et al. teaches excluding pieces of artwork comprises excluding pieces of artwork classified as entirely inside the complex region (column 6 line 56 and column 7 lines 17-20).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schiller et al. in view of Carlsen et al. U.S. Patent No. 6,020,897.

As per claim 7, Schiller et al. teaches comparing the determined number of artwork pieces that enter a cell with a threshold as above but does not comprise a threshold based on user input. Carlsen et al. teaches a threshold array based on user input (column 2 line 55).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the threshold of Schiller et al. to be manually changed based on user input like in Carlsen et al. because this would allow the system to have greater adaptability and allow the user to control the threshold depending on the user's needs at the time. This would have been obvious because Schiller et al. uses thresholds to compare and make decisions on data.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schiller et al.

As per claim 9, Schiller et al. teaches all of the limitations of claim 1. Schiller et al. uses artwork drawn onto tiles which by Schiller et al's description is comparable to a grid of cells. Schiller does not expressly state that the illustration has a first associated resolution and the grid has a second resolution and that the second resolution being less than the first resolution. It would have been obvious to one of ordinary skill in the art at the time of applicants invention that the illustration will

have an associated resolution. When the illustration is mapped to a planar grid of cells, this grid of cells will also have an associated resolution. The invention states a process for looking at the grid and picking out cells with a determined number of lines from the artwork going thru it. If the resolution of the grid is greater than the illustration resolution then it would be difficult to pick out a cell with more than one artwork line going thru it. But if the resolution of the grid is less than the illustration resolution than it would be easier to find a cell with more than one artwork line going thru it. Being able to determine if more than one line goes thru a cell helps in determining if the cell is complex or not. Therefore it would be advantageous if the resolution of the grid is less than the illustration resolution.

This would be obvious to one skilled in the art since the object of the invention is to be able to tell if the cell is complex or not.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Wallace whose telephone number is 703-605-5163. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 703-305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

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April 21, 2002

JEFFERY BRIER
PRIMARY EXAMINER